

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 21-24, 26-29, 32, and 34 are pending, claims 21 and 29 having been amended, and claims 25, 30, 31, and 33 having been canceled without prejudice or disclaimer. No new matter is added.

In the outstanding Office Action, claim 29 was rejected under 35 U.S.C. § 112, second paragraph; claims 21, 22, and 26-31 were indicated as being anticipated by Ejzak et al. (U.S. Patent No. 6,609,883); claims 23, 24, and 33 were indicated as being unpatentable over Ejzak et al. in view of Salonaho et al. (U.S. Patent No. 6,173,187); and, claims 25, 32, and 34 were indicated as containing allowable subject matter.

Applicants appreciatively acknowledge the indication of allowable subject matter. In view of the indication of allowable subject matter, the subject matter of claim 25 has been incorporated into independent claim 21.

Accordingly, it is respectfully submitted that claim 21, as well as claims 22-24 and 26-29 which depend therefrom, patentably define over the asserted prior art.

The term "CIRs" in claim 29 has been changed to --carrier to interference ratios--, thereby overcoming the rejection under 35 U.S.C. § 112, second paragraph.

Since claims 30-31 and 33 have been canceled without prejudice or disclaimer, it is respectfully submitted that all the issues in the present application have been addressed.

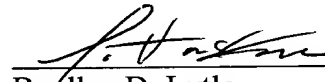
Lastly, this amendment is submitted in accordance with 37 C.F.R. §1.116 which after final rejection permits entering of amendments canceling claims, complying with any requirement of form expressly set forth in a previous Office Action, or presenting rejected claims in better form for consideration on appeal. The present amendment amends the claims to include allowable subject matter. This amendment does not raise new issues requiring

further consideration and/or search. It is therefore respectfully requested that the present amendment be entered under 37 C.F.R. §1.116.

Accordingly, it is believed that the application is in condition for formal allowance and an action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Scott A. McKeown
Registration No. 42,866

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)

BDL:SAM:ycs

I:\atty\BDL\201261US\201261US Amend due 10Dec04.doc